

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JACQUELINE AGEE)	
)	No. 21 C 4520
Plaintiff,)	
)	Judge Joan Humphrey Lefkow
vs.)	
)	
CITY OF CALUMET CITY, <i>et al.</i>)	JURY DEMAND
)	
Defendants.)	

MOTION TO COMPEL

Plaintiff Jacqueline Agee (Plaintiff), through her attorneys, respectfully seeks entry of a court order to compel Defendants to comply with Plaintiff's Rule 30(b)(6) Notice of Deposition (attached as Ex. 1) by: (1) identifying a designated witness to testify on behalf of the City of Calumet City (Calumet City) for each topic listed in the notice within seven (7) days; and (2) providing multiple dates in July when the designated witness(es) are available to testify.

1. This is the second time Plaintiff is forced to file a discovery motion because Defendants did not respond to Plaintiff's discovery requests or Plaintiff's efforts to obtain Defendants' cooperation in discovery as required by Local Rule 37.1. *See* Dkt. 18.

2. On April 20, 2022, Plaintiff's first motion to compel was granted and Defendants were required to provide discovery responses in 14 days. *See* Dkt. 20.

3. On May 26, 2022, Plaintiff served Defendants with notices to conduct depositions between June 2022 and July 2022. *See* Dkt. 21.

4. Specifically, Plaintiff served a Rule 30(b)(6) deposition notice requiring Defendants to designate a representative witness prepared to testify for Calumet City on the topics listed in the notice. *See* Ex. 1. The notice scheduled the date for the deposition for June 16, 2022. The notice required Defendants to identify the person(s) designated to speak for Calumet City for each topic by June 9, 2022. *Id.*

5. Plaintiff also served a Rule 30(a) deposition notice for four identified witnesses. *See* Ex. 2. The Rule 30(a) notice scheduled the depositions to occur after the Rule 30(b)(6) deposition. *See* Ex. 2.

6. Defendants did not object to the deposition notices or the dates Plaintiff scheduled for the depositions.

7. However, Defendants did not identify the person(s) designated to testify for Calumet City by June 9, 2022. *See* Ex. 3.

8. On June 13, 2022, June 15, 2022 and June 16, 2022, Plaintiff's counsel contacted Defendants' counsel (by email and by phone) in an effort to proceed with the deposition set for June 16, 2022 and/or to obtain dates when Defendants were available for the depositions. *See* Ex. 3.

9. As of the date of the filing of this motion, Defendants have not responded.

10. Plaintiff cannot proceed forward in discovery without Defendants' cooperation.

11. Accordingly, Plaintiff seeks entry of an order to compel Defendants to comply with Plaintiff's Rule 30(b)(6) Notice (Ex. 1).

12. Specifically, Defendants should be compelled to: (1) identify a designated witness to testify for Calumet City for each topic listed in the notice within seven (7) days; and (2) provide multiple dates in July when the identified witness(es) are available to testify.

13. In addition, Plaintiff respectfully requests the Court award Plaintiff the reasonable costs and fees incurred in obtaining the discovery order and grant Plaintiff leave to file a petition seeking a reasonable award for costs and fees.

WHEREFORE, Plaintiff Jacqueline Agee respectfully requests the Court grant this motion and enter an order compelling Defendants to:

(1) identify a designated witness to testify on behalf of Calumet City for each topic listed in the notice within seven (7) days;

(2) provide multiple dates in July when the designated Rule 30(b)(6) witness(es) are available to testify;

(3) award Plaintiff reasonable costs and fees for obtaining the order; and/or

(4) award any other relief the Court deems reasonable and just.

Respectfully submitted,

KULWIN, MASCIOPINTO & KULWIN,
LLP

By: s/ Jeffrey R. Kulwin
Attorney for Plaintiff

Jeffrey R. Kulwin
KULWIN, MASCIOPINTO & KULWIN, L.L.P.
161 North Clark Street, Suite 2500
Chicago, Illinois 60601
T: 312-641-0300
E: jkulwin@kmklawllp.com

CERTIFICATE OF SERVICE

I, Jeffrey R. Kulwin, an attorney, certify that this Motion, was filed with the Clerk of Court using the ECF system and served on all following counsel of record via e-mail on June 21, 2022.

By: s/ Jeffrey R. Kulwin